



PATENT
Customer No. 22,852
Attorney Docket No. 4676.0183-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re Application of: |) | |
| |) | |
| Chikamasa YAMASHITA et al. |) | Group Art Unit: 1616 |
| |) | |
| Application No.: 10/538,837 |) | Examiner: Alstrum Acevedo, J.H. |
| |) | |
| Filed: June 13, 2005 |) | |
| |) | |
| For: NOVEL DRY POWDER |) | Confirmation No.: 5653 |
| INAHALATION SYSTEM FOR |) | |
| TRANSPULMONARY |) | |
| ADMINISTRATION |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patent publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

English abstracts of the non-English documents are enclosed.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.H.A.A./

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

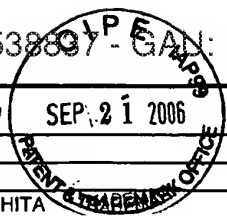
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 21, 2006

By: Charles E Van Horn
Charles E. Van Horn
Reg. No. 40,266

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.H.A.A./



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|---|---|----|--------------------------|------------------------|---------------|
| IDS Form PTO/SB/08: Substitute for form 1449A/PTO | | | Complete if Known | | |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary) | | | Application Number | 10/538,837 | |
| | | | Filing Date | June 13, 2005 | |
| | | | First Named Inventor | Chikamasa YAMASHITA | |
| | | | Art Unit | 1616 | |
| | | | Examiner Name | Alstrum Acevedo, J.H. | |
| Sheet | 1 | of | 3 | Attorney Docket Number | 04676.0183-00 |

| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS | | | | | |
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Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

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| Examiner Initials | Cite No. ¹ | Foreign Patent Document | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation ⁶ |
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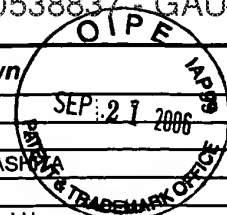
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| Examiner Initials | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation ⁶ |
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| | | Pending Claims for U.S. Patent Application No. 10/170,339 | |

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| Examiner Signature | /James Alstrum Acevedo/ | Date Considered | 10/18/2008 |
|-----------------------|-------------------------|--------------------|------------|

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant: